

## **Remarks**

Claims 1, 4 and 9 through 13 are pending in this application. By this preliminary amendment, claims 1, 4 and 9 are amended in accordance with discussions conducted with examiner where on January 16, 2002 and March 19, 2002. Care has been exercised to avoid the introduction of new matter.

The Examiner maintains the objection to the affidavits submitted July 11, 2001. Responsive thereto, Applicant asserts that all products used in the comparisons described in the subject affidavits contained urine from does in estrus. Further, the Applicant was the supplier of deer urine to the vendors of the other products used in the comparisons, with the Applicant's two-doe formula. The Applicant asserts that the only effective lure ingredient for any of the products used in the comparison is urine from does in estrus. None of the other ingredients that may have been placed in any of the other products compared with that of the Applicant is effective as a lure without the basic ingredient of urine from at least one doe in estrus. Accordingly, any additional ingredients found in the other formulations compared with that of the Applicant are entirely irrelevant to the basic comparison of the Applicant's product (limited to urine from only two does in estrus) with

other products (containing urine from a single doe in estrus, or containing urine from three or more does in estrus.)

Because the tests involved only deer, the claims are modified to limit the lure to only deer. However, it should be understood that because of the similar behavior of deer, elk, moose, caribou, and similar animals, it is Applicant's belief that a two-animal (in estrus) urine will operate as effectively for other species as it does for deer.

Modified affidavits will be submitted attesting to the fact that all comparisons were made only between products containing urine from does in estrus, and that the same doe urine was supplied to the products used for comparisons with that of the Applicant.

Because the previously submitted affidavits constitute evidence of an unexpected result from the Applicant's claimed formulation, the Applicant's invention is not obvious from the conventional art of record. Accordingly, it is urged that the pending claims are now in condition for allowance. Favorable reconsideration is respectfully requested.

Should the Examiner have any questions, comments, or suggestions, or should issues remain, the examiner is respectfully requested to contact the undersigned by telephone for a prompt and satisfactory resolution.

Respectfully submitted,  
Lev Intellectual Property Consulting



Robert G. Lev  
Registration No. 30,280

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LEV INTELLECTUAL PROPERTY CONSULTING  
4766 Michigan Boulevard  
Youngstown, Ohio 44505  
Telephone No.: (330) 759-1423

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